

## GOVERNOR'S RECOMMENDATION

I approve the general purpose of this bill, but I am returning it without my signature with the request that 30 amendments be adopted. Although the enrolled bill achieves most of the major objectives I proposed to you, I am returning it to you with amendments to address concerns that I have either noted to you previously or that have been brought to my attention since your passage of the budget. With regard to the "caboose budget," I have signed HB 29.

I am grateful to all members of the House of Delegates and the Senate for your dedicated work and your timely passage of the budget. While we may differ on some of the details, your dedicated efforts reflect general support for the initiatives I proposed in the introduced budget and our shared commitment to strengthen Virginia's economy.

Specifically, the House and Senate are to be commended for keeping public education as the highest priority in this budget. You also maintained a commitment to the future financial health of the Commonwealth by providing the required funding for the revenue stabilization fund and by fully addressing the actuarial requirements of the Virginia Retirement System. Not only will these actions strengthen Virginia's financial position in the years to come, which is good for taxpayers, the contributions to the retirement system also will benefit our dedicated workforce of state employees. State and state-responsible local employees also will be grateful for the pay increases that we all supported.

Of the 30 amendments that I am proposing, 10 change spending, 18 are language-only changes, and two increase the resources available. Four of the amendments were made at the request of a member of the General Assembly or committee staff to address clarifications or technical adjustments. My spending amendments total \$12.6 million from the general fund and are supported by additional balances that have not been previously identified but will be

available at the beginning of the biennium. A summary of these amendments is provided below.

### **Summary of Amendments**

#### **Role of the Joint Legislative Audit and Review Commission (JLARC) in review of the Virginia Economic Development Partnership (VEDP) and its role in the ongoing oversight of economic development initiatives – Item 33**

HJ7 (Byron) provides that JLARC will work collaboratively with the Virginia Economic Development Partnership on a study of the Commonwealth's economic development programs. The companies with whom the Commonwealth works should have assurances that their confidential and proprietary information will remain confidential and will be protected from public disclosure.

My amendment clarifies that JLARC shall have an ongoing evaluative, but not an oversight, role for economic development initiatives. Also, it maintains language allowing JLARC to have access to necessary records for the purposes of evaluating incentives, while clarifying that records that have been excluded from disclosure under the Freedom of Information Act are not subject to disclosure by JLARC.

#### **Fund Electronic Case File Submission System – Item 40**

HB64 (Kilgore) permits, upon agreement between the chief judge of a general district court and the clerk of the circuit court, for electronic transmission of case papers between the courts for civil cases appealed from general district to circuit court and from circuit court back to the district court in cases where that might be required. The funding to support this effort was not included in the enrolled HB 30.

My amendment provides one-time funding of \$175,950 from the general fund in FY 2017 to cover the cost associated with implementing an electronic case file transmission system between the general district and the circuit court.

#### **Correct Fiscal Year Funding for Judicial Weighted Caseload Study – Item 40**

The enrolled budget (Item 40, amendment #2c from the conference report), included an appropriation that was mistakenly placed in FY 2018 rather than FY 2017. The intent was to provide general fund support of \$250,000 for a caseload study – the results of which would be available for the 2018 General Assembly.

My amendment corrects the fiscal year in which funding is available to contract with the National Center for State Courts to update the judicial weighted caseload and staffing study in order for the results to be available by the beginning of the 2018 General Assembly Session.

#### **Authorize the use of Commonwealth Health Research Board (CHRB) funding for joint projects with the Virginia Bioscience Health Research Corporation (VBHRC) – Item 106**

VBHRC is an important tool for fostering the growth of the bioscience industry in the Commonwealth. Its unique, collaborative model enhances research and creates high-paying jobs in a key industry. The proposed language directs VBHRC and CHRB to partner to review and fund proposals that support the bioscience industry in Virginia and foster the creation of new companies and jobs in the Commonwealth.

My amendment authorizes the expenditure of up to \$2.5 million of funds managed by CHRB toward collaborative research projects agreed to by both the CHRB and VBHRC that would support Virginia's core bioscience strengths, improve human health, and demonstrate

commercial viability with a high likelihood of creating new companies and jobs in Virginia. This amendment increases the ability of the VBHRC to impact the bioscience industry.

#### **Remove language restricting the use of broadband funding – Item 109**

The General Assembly provided funding in support of the Virginia Telecommunication Initiative. Language associated with the funding established limitations on the ability to leverage these funds with other state and federal financing for broadband deployment. This limitation could adversely impact localities' ability to undertake broadband construction projects critical to economic development.

My amendment removes this restrictive language.

#### **Provide support for Labor and Employment Law Statutes – Item 115**

The timely investigation of payment of wage claims and the issuance of youth employment certificates are critical services that help ensure fair treatment of employees. The issuance of youth employment certificates provides protection for the safety, health, and welfare of youth employees. Delays in the investigation of payment of wage claims make those cases more difficult to investigate due to the nature of wage payments and can hinder resolution of those claims. Delays in youth employment inspections have the potential to expose youth employees to harm, as untimely inspections may place youth in the position of performing hazardous or prohibited work, or work hours that violate the law. Due to increased workloads, additional staff is necessary to adequately address these important programs.

My amendment provides \$184,000 from the general fund in each year to allow the Department of Labor and Industry to fill two vacant compliance officer positions. The positions will address

increased workloads associated with youth employment inspections and payment of wage claims.

#### **Provide protection to Virginia Workers and Businesses – Item 116**

The principal objective of the Virginia Occupational Safety and Health (VOSH) Program is to reduce workplace fatalities, injuries, and illnesses. A weakened VOSH program could result in increases in fatal accidents, injuries, and illnesses, affecting the ability of Virginia's businesses to compete in a challenging economy.

My amendment provides \$256,173 from the general fund in each year to fill three vacant compliance safety officer positions. These positions will conduct safety and health inspections and issue citations where violations of VOSH regulations are found.

#### **Provide funding for solar energy development – Item 120**

The development of solar energy is a critical component of a diversified mix of energy sources in the Commonwealth. The solar industry has developed and matured in other states, placing Virginia at a competitive disadvantage.

My amendment provides \$1.0 million from the general fund in each year to support an expanded clean energy industry. Priority in the use of these funds will be given to solar energy projects in Southwest Virginia. Without this amendment, the Commonwealth would lack any dedicated funding to expand the development of solar energy.

### **Reversion of Chamberlin Hotel property to the Commonwealth – Item 124**

Language adopted by the conferees would set aside previous Acts of Assembly to effectuate the immediate reversion of the Chamberlin Hotel parcel at Fort Monroe to the Commonwealth. This language jeopardizes months of good faith negotiations between the Army and representatives of the Chamberlin on a mutually agreed upon conveyance process for the Army's interest in that parcel. Additionally, the language adopted by the conferees is inconsistent with the planned Economic Development Conveyance agreement between the Army and the Commonwealth.

My amendment strikes the budget language.

### **Modify match requirements for grants for site remediation through the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund – Item 125**

Currently, the Code of Virginia requires that the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund Program's guidelines include a mandatory one-to-one match by the recipient of any grant made by or from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund. It may be difficult for smaller localities to provide a 100 percent match, which is the match rate currently required by the recipient of any grant made by or from the Fund. This could potentially price smaller localities out of the market.

My amendment allows for a 25 percent match for site remediation projects.

### **Remove Virginia Virtual School Funding and Language – Items 137 and 139**

House Bill 8 (Richard Bell) establishes the Board of the Virginia Virtual School. Because the Board would operate outside of the jurisdiction of the Board of Education without adequate

resources, and because the Department of Education is already pursuing expansion of virtual learning, I have vetoed this legislation.

My amendment, therefore, removes funding and positions provided for the start-up of the Virginia Virtual School in FY 2018, as well as language directing the transfer of direct aid payments to the Virginia Virtual School beginning in FY 2019.

#### **Remove technology review language – Item 139**

The budget includes language directing the Department of Education to create a workgroup to review a number of items related to the use of technology in the classroom and for testing. Several of the directives in the language either cannot be implemented at this time, are already being implemented, or ask for studies already completed. In addition, other workgroup study requirements in this language can be addressed by another paragraph placed under the Department of Education to holistically review the statewide use of technology in the classroom and all sources of digital content development and online learning.

My amendment removes this language to help ensure needed technology enhancements more quickly reach the classroom. This is a request of the Chairman of the House Education Committee.

#### **Establish Cybersecurity Scholarship for Public Service Grant Program – Item 144**

Governments are having difficulty competing with the private sector for individuals with cybersecurity experience. Given the large quantities of sensitive data held by state agencies in Virginia, it is vital to have the expertise to protect this data from cyber-attacks.

My amendment provides \$500,000 from the general fund in each year to create a new scholarship program under the State Council of Higher Education for Virginia to encourage individuals pursuing cybersecurity degrees to work for Virginia state government upon graduation. The proposed scholarship program would require one year of state government service for every year scholarship funding is provided. This program replicates a successful program presently utilized by the federal government to attract cybersecurity talent.

### **Provide Cybersecurity Education in Community Colleges – Item 213**

Cybersecurity is a rapidly growing industrial sector that will provide expanded employment opportunities. Virginia is poised to attract companies providing cybersecurity support, both through research and the graduation of students with cybersecurity degrees. These potential employers are looking for individuals who graduate from higher education institutions designated by the federal government as centers of excellence for cybersecurity. Several of our community colleges have been so designated; all community colleges should strive for this designation so that individuals throughout Virginia who are interested in cybersecurity as a career have access to programs that will enhance their qualifications.

My amendment adds \$280,000 in FY 2017 and \$152,000 in FY 2018 from the general fund to formally establish a cybersecurity program director for the Virginia Community College System and to develop an appropriate curriculum to help all of Virginia's community colleges offer coursework in cybersecurity. With these efforts, the community college system will be able to identify any additional faculty needs to ensure that all of our community colleges become cybersecurity centers of excellence.



### **Dedicate Portions of the 2019 Commemoration Funding – Item 238**

The establishment of the Virginia House of Burgesses as the first elected legislative body in the British Colonies is a historic moment, to be celebrated by all Americans. Significant new funding has been provided in the budget for the 2019 Commemoration, recognizing the establishment of the House of Burgesses, recordation of the first Africans in Virginia, arrival of the first women in Virginia, and the first Thanksgiving at the Berkeley Plantation.

My amendment directs \$2.0 million of the FY 2018 funding provided for the 2019 Commemoration toward funding and endowing a scholarship program to be known as the “Maggie L. Walker Scholarship Fund” to provide grants to under-represented minorities and women who are both residents of Virginia and student leaders who work to improve their local and global communities. The purpose of these scholarships is to increase access and diversity at public institutions of higher education in Virginia. These scholarships will support awareness of the contributions of minorities and women, like Maggie L. Walker, to Virginia’s history and will complement the activities surrounding the 2019 Commemoration.

### **Limit prohibition on Medicaid expansion – Item 306**

Healthcare policy and fiscal considerations, not politics, should drive Virginia's decisions about Medicaid expansion. We cannot continue to leave on the table the Commonwealth’s share of federal dollars that could be used to provide life-saving services to its citizens. Therefore, I propose that the prohibition on expansion activities included in the budget be limited to the first year only. Adopting this change will allow us to continue the dialogue on the merits of and business case for expanding the Medicaid program in Virginia, leading to a full and reasoned discussion at the 2017 legislative session. We thereby can make decisions based on another year of factual data from the results of actions to expand the program in other states and any

additional information that may become available on the outcomes of reforms to the program in Virginia.

My amendment limits the prohibition on actions to expand the Medicaid Program pursuant to the Patient Protection and Affordable Care Act to the first year of the biennium.

#### **Allow limited consumer directed overtime in FY 2017 – Item 306**

The enrolled budget's elimination of all overtime for consumer-directed attendants could have a significant adverse impact on the continuity of care received by some of Virginia's most vulnerable citizens and jeopardize the health of older adults and people with disabilities. Moreover, it may severely limit the ability of Medicaid clients to recruit and retain the workers they need to continue to live independently at home. Also, my office has received calls from concerned citizens on this issue.

My amendment provides \$8.4 million from the general fund in FY 2017 and language authorizing the Department of Medical Assistance Services (DMAS) to allow up to 16 hours overtime for attendants who are providing care under the consumer-directed service option in the Medicaid waivers in FY 2017.

#### **Modify Delivery System Reform Incentive Program (DSRIP) language – Item 306**

Time and again, the General Assembly has stressed the need for greater efficiency and cost control in the state's Medicaid program. This perceived need has even been used as justification to delay the expansion of Medicaid to those who qualify for such coverage under the Affordable Care Act. The Delivery System Reform Incentive Payment (DSRIP) program has the potential to free up many millions of dollars that can be used to pay for system-wide improvements. The amendment inserted into the enrolled bill would delay the realization of

these efficiencies, should the federal government approve the application for the underlying waiver in a timely manner. Delaying our ability to begin saving taxpayer dollars in the Medicaid program is contrary to the direction expressed by the General Assembly.

My amendment seeks a middle ground by prohibiting expenditures under a potential DSRIP waiver unless the Department of Medical Assistance Services notifies the legislature of the nature of planned expenditures associated with DSRIP funds, in addition to the current provision's requirement that the agency notify the legislature of the approval of the waiver itself.

### **Allow the Department of Conservation and Recreation to acquire state park land – Item 365**

The Commonwealth must be able to acquire property adjacent to existing state parks and in-holdings, and the Department must be able to acquire such properties, using nongeneral funds, when they become available.

My amendment provides such flexibility. It will allow the Department to undertake the process necessary to acquire such parcels using nongeneral funds, provided the acquisition will not result in increased operating expenses.

### **Allow development or preparation of the Clean Power Plan – Item 369**

I strongly believe that Virginia needs to proceed with development of the regulations while a stay is in place. The Clean Power Plan is a necessary response to climate change and an opportunity for Virginia to become a leader in clean energy.

My amendment removes restrictive language for the use of state funds for the preparation or development of the Clean Power Plan. Submission of such plan to the United States Environmental Protection Agency will not be authorized until the stay issued by the United States Supreme Court is released.

**Remove obsolete language – Item 370**

The Enrolled Bill contains obsolete language referencing an Item in the Capital Section that the Conferees removed.

My technical amendment removes this language.

**Remove conflicting Rail and Public Transportation study language – Item 448**

HB 1359 (Peace) was passed by the 2016 General Assembly, setting clear directive to develop a two pronged prioritization process for state funding in support of capital projects for transit systems. However, related budget language under the Department of Rail and Public Transportation appears to require a study that contemplates one process for all transit capital funding. This budget language could hurt the efforts to reach consensus on these important issues.

My amendment modifies the budget study language under the Department of Rail and Public Transportation to ensure there is no conflict with House Bill 1359, which I have signed into law. This is a request of the patron of House Bill 1359.

### **Adjust language related to Ports debt service cap – Item 463**

The budget has existing language limiting the total amount of debt service paid by the Port Authority to \$45 million annually. Chapter 665, 2015 Acts of Assembly, allows the Port Authority to enter into a new lease agreement related to the Virginia International Gateway (VIG) Terminal in Portsmouth, Virginia. It is anticipated that the new lease agreement related to the VIG Terminal may result in the agency surpassing the \$45 million cap.

My amendment adds language allowing the Governor to approve the Port Authority to exceed the \$45 million debt service cap if the capital lease with the VIG Terminal is executed. The amendment includes language that requires that such approval be reported to the Chairmen of the House Appropriations and Senate Finance Committees within five days.

### **Workers' Compensation Capital Authorization – Section 2-0**

A technical correction is needed to amendment C-0 #2c which directs the Department of General Services to assist the Workers' Compensation Commission with identifying a new headquarters facility for the Commission and, upon completion, transfer the existing headquarters to the Science Museum of Virginia. The conference amendment references the initial authorization included in Chapter 806, 2013 Session Acts of Assembly, rather than the amended language included in Chapter 1, 2014 Special Session 1. Chapter 1 authorized the Workers' Compensation Commission an option to enter into a capital lease in addition to options authorized in Chapter 806 for acquisition or construction of a new headquarters facility.

My amendment updates the chapter reference to Chapter 1, 2014 Special Session 1, which authorized the Commission to enter into a capital lease and increased their appropriation for the project to \$20 million based on the Department of General Services' latest estimates.

**Increase Maintenance Reserve Funding for the Department of Juvenile Justice – Item C-44**

I continue to believe that our juvenile justice system will be strengthened by the transformation currently underway by my administration. In my introduced budget, the debt issuance and appropriation authority for six Department of Juvenile Justice (DJJ) capital projects was reverted and bond funding was provided for construction of two new residential facilities. The 2016 General Assembly changed the timeline for the construction of these new residential juvenile facilities. As a result of reverting the \$16 million in previously authorized projects for the Bon Air and Beaumont facilities and the changed timeline for constructing new facilities, DJJ will need additional funds to maintain the existing facilities until the new facilities are operational. Additional maintenance reserve funding will ensure that life safety concerns and critical infrastructure systems are kept in working order ensuring the safety and well-being of the individuals living and working there.

My amendment provides \$3.0 million in additional debt issuance authority through the Virginia Public Building Authority to address the ongoing maintenance needs of the existing facilities during the planning phase of the new facilities.

**Remove Language Related to Deposit of Local Fines and Fees – Section 3-6.05**

When a local law enforcement officer writes a ticket against a local ordinance and the driver is found guilty or pleads no contest, the associated fine is retained by the locality where the offense occurred. Language in the enrolled budget, however, requires that certain localities that collect fines above a certain level must remit a portion of those excess fines to the state. It goes further to completely exempt two specific localities from the remittance. To require some localities to remit a portion of those fines to the state just because they are above a certain

level of collection and to exempt two localities entirely from such remittance seems arbitrary and unfair.

My amendment removes language in Section 3-6.05 concerning the payment of such local fines to the state thus allowing localities to retain all fines collected from tickets written against local ordinances.

#### **Restrictive language concerning women's reproductive health services – Section 4-5.04**

I have promised many times to stand in the way of any and all attempts to interfere with a woman's right to make her own health care decisions. If we are going to build a new, more vibrant Virginia economy, we need to be opening up doors to quality, affordable health care, not closing them. The Commonwealth does not need additional language which would prohibit women from accessing reproductive health services. Such additional language would interfere with medical decisions between a woman and her doctor and would also disproportionately impact economically disadvantaged women in Virginia.

My amendment removes language that would prohibit the expenditure of general or nongeneral funds for abortion services, unless mandated by state statute or federal law.

#### **Recommended Resources**

I am not recommending any changes to the base revenue forecast that we adopted throughout this General Assembly Session. My requested spending is offset by two amendments that add \$14.1 million in additional resources to the balance available at the beginning of the biennium.

The first adds \$3.0 million in resources by capturing savings from debt service appropriations in FY 2016 that will not be expended. These savings will revert at the end of FY 2016 and thus become balances available for appropriation in the new biennium.

The second adds \$11.1 million in resources by recognizing the proceeds from the sale of an ABC building in Alexandria. This sale was originally scheduled for FY 2015 and the resources were anticipated in that fiscal year; however, the sale did not close until August 2015. The proceeds were not included in the actual year-end balances from FY 2015 since they had not been received. Moreover, these resources were not anticipated in the FY 2016 estimates; therefore, they must be added to the FY 2016 general fund transfer collections and included in the balances at the end of this fiscal year, thus increasing the beginning balance for the next biennium.

The budget you presented to me contained an unappropriated balance of \$9.9 million. I believe that it is prudent to leave sufficient resources for unforeseen circumstances that may surface in the future. Consequently, I am returning amendments to you, which if enacted, will actually increase the total uncommitted, unappropriated balance to approximately \$11.4 million.

## **Conclusion**

Attached to this letter are the details of my proposed amendments. In your review of these proposals, I think you will find they are relatively minor and consistent with the objectives that I have stated throughout my administration and this legislative session.



I respectfully request your adoption of these amendments so that they may be incorporated into the Appropriation Act for the 2016 - 2018 biennium. Thank you for your consideration of my requests and for your service to the Commonwealth.

# ***2016 Reconvened Session***

## ***HB 30 Executive Amendments***

## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 1: Adjust additions to balance for the sale of the Alexandria ABC building**

#### **Item 0**

##### **Revenues**

Revenues

Language

##### **Language:**

Page 1, line 23, strike "\$666,780,000" and insert "\$677,905,000".

Page 1, line 23, strike "\$666,280,000" and insert "\$677,405,000".

Page 1, line 28, strike "\$20,413,357,313" and insert "\$20,424,482,313".

Page 1, line 28, strike "\$40,643,162,224" and insert "\$40,654,287,224".

Page 1, line 40, strike "\$55,160,095,178" and insert "\$55,171,220,178".

Page 1, line 40, strike "\$105,580,957,027" and insert "\$105,592,082,027".

##### **Explanation:**

(This amendment adjusts additions to balance on the front page by \$11.1 million to account for the increase in GF balance that will result from the delayed sale of the Alexandria ABC building. The proceeds of the sale of this building were not accounted for in the revenue estimates included in HB 30 enrolled.)

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### **Amendment 2: Adjust additions to balance for surplus debt service funding**

#### **Item 0**

##### **Revenues**

Revenues

Language

##### **Language:**

Page 1, line 23, strike "\$666,780,000" and insert "\$669,780,000".

Page 1, line 23, strike "\$666,280,000" and insert "\$669,280,000".

Page 1, line 28, strike "\$20,413,357,313" and insert "\$20,416,357,313".

Page 1, line 28, strike "\$40,643,162,224" and insert "\$40,646,162,224".

Page 1, line 40, strike "\$55,160,095,178" and insert "\$55,163,095,178".

Page 1, line 40, strike "\$105,580,957,027" and insert "\$105,583,957,027".

##### **Explanation:**

(This amendment adjusts additions to balance on the front page by \$3 million for increased balances resulting from surplus debt service funding in FY 2016.)

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## *2016 Reconvened Session Executive Amendments (HB 30)*

### **Amendment 3: Clarify JLARC's evaluation role in economic development**

#### **Item 33**

#### **Legislative Department**

Joint Legislative Audit and Review  
Commission

Language

#### **Language:**

Page 21, after line 50, insert:

"F.1. To assist JLARC in conducting its study of the Virginia Economic Development Partnership Authority (VEDP) pursuant to House Joint Resolution 7 of the 2016 General Assembly, JLARC shall have the legal authority to access the facilities, employees, information and records, including confidential information of VEDP and its contractors and the public and executive session meetings and records of the board of directors of VEDP, for the purpose of conducting this study in accordance with the established standards, processes, and practices exercised by JLARC pursuant to its statutory authority. Access shall include the right to attend such meetings for the purpose of conducting this study."

Page 21, strike lines 51 and 52.

Page 22, strike lines 1 through 6.

Page 22, Line 21, strike "oversee and evaluate", and insert "conduct, on a continuing basis, a review and evaluation of"

Page 22, Line 22, strike "on a continuing basis"

Page 22, strike lines 32 through 41, and insert:

"3. For the purpose of carrying out its duties under this authority and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the facilities, employees, information, and records, including confidential information, and the public and executive session meetings and records of the board of VEDP, involved in economic development initiatives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by JLARC pursuant to its statutory authority. Access shall include the right to attend such meetings for the purpose of carrying out such duties. Any non-disclosure agreement that VEDP enters into on or after July 1, 2016, for the provision of confidential and proprietary information to VEDP by a third party shall require that JLARC also be allowed access to such information for the purposes of carrying out its duties."

Page 22, line 47, after " (§ 2.2-3700 et seq.)" strike ";" and insert ", and shall not be disclosed by JLARC:"

Page 23, Line 14, strike "oversight" and insert "ongoing review and evaluation"

#### **Explanation:**

(This amendment clarifies that JLARC shall have an evaluation role on economic development initiatives. It also clarifies that records which have been excluded from disclosure under FIOA are not subject to disclosure by JLARC.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 4: Fund electronic case file submission system**

#### **Item 40**

<b>Judicial Department</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Supreme Court	\$175,950	\$0 GF

#### **Language:**

Page 26, line 3, strike "\$30,021,591" and insert "\$30,197,541"

Page 28, after line 15, insert:

"M. Included in the appropriation for this Item is \$175,950 in the first year from the general fund to cover the cost of an electronic submission system to transmit case papers from general district court to circuit court."

#### **Explanation:**

(This amendment provides \$175,950 in general fund appropriation to cover the cost of an electronic case file submission system between general district and circuit court.)

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### **Amendment 5: Correct fiscal year funding for weighted caseload evaluation study**

#### **Item 40**

<b>Judicial Department</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Supreme Court	\$250,000	(\$250,000) GF

#### **Language:**

Page 26, line 3, strike "\$30,021,591" and insert "\$30,271,591"

Page 26, line 3, strike "\$30,934,302" and insert "\$30,684,302"

Page 27, line 55, strike "second" and insert "first"

#### **Explanation:**

(This amendment provides funding to update the judicial weighted caseload study in the first year of the biennium instead of the second year.)

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### **Amendment 6: Authorize the use of CHRB funding for joint projects with VBHRC**

#### **Item 106**

#### **Commerce and Trade**

Economic Development Incentive Payments	Language
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#### **Language:**

Page 87, after Line 19, insert "8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 23-278, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia."

#### **Explanation:**

(This amendment authorizes the expenditure of up to \$2.5 million of funds managed by the Commonwealth Health Research Board toward collaborative research projects between CHRB and VBHRC that would support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.)

## *2016 Reconvened Session Executive Amendments (HB 30)*

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### **Amendment 7: Remove language restricting the use of broadband funding**

#### **Item 109**

##### **Commerce and Trade**

Department of Housing and Community  
Development

Language

##### **Language:**

Page 91, line 43, after "areas." strike the rest of line 43.

Page 91, strike lines 44 and 45.

Page 91, line 46, strike "Initiative."

##### **Explanation:**

(This amendment removes language that would prohibit any assistance through the Virginia Telecommunication Initiative to a project that receives other state or federal financing.)

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### **Amendment 8: Provide support for Labor and Employment Law Statutes**

#### **Item 115**

##### **Commerce and Trade**

Department of Labor and Industry

**FY 16-17**

\$184,000

**FY 17-18**

\$184,000 GF

##### **Language:**

Page 93, line 22, strike the first "\$905,119" and insert "\$1,089,119".

Page 93, line 22, strike the second "\$905,119" and insert "\$1,089,119".

##### **Explanation:**

(This amendment provides \$184,000 of general fund support in each year to allow the Department of Labor and Industry to fill two vacant compliance officer positions. These positions will address increased workloads associated with youth employment inspections and payment of wage claims. Delays in the investigation of payment of wage claims make those cases more difficult to investigate due to the nature of wage payments and can further hinder results. Delays in youth employment inspections have the potential to allow harm to youth employees as untimely inspections may place youth in the position to perform hazardous or prohibited work and work hours that violate the law.)

## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 9: Provide protection to Virginia Workers and Businesses**

#### **Item 116**

<b>Commerce and Trade</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Department of Labor and Industry	\$256,173	\$256,173 GF

#### **Language:**

Page 93, line 26, strike the first "\$9,997,562" and insert \$10,253,735".

Page 93, line 26, strike the second "\$9,997,562" and insert \$10,253,735".

#### **Explanation:**

(This amendment provides \$256,173 of general fund support in each year to allow the Department of Labor and Industry to fill three vacant compliance safety officer positions. These positions will conduct safety and health inspections and issue citations where violations of Virginia Occupational Safety and Health (VOSH) regulations are found.)

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### **Amendment 10: Provide funding for solar energy development**

#### **Item 120**

<b>Commerce and Trade</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Department of Mines, Minerals and Energy	\$1,000,000	\$1,000,000 GF

#### **Language:**

Page 94, Line 48, strike "\$3,110,922" and insert "\$4,110,922"

Page 94, Line 48, strike "\$3,111,422" and insert "\$4,111,422"

Page 95, after line 17, insert:

"C. Out of this appropriation \$1,000,000 from the general fund each year is provided for support of solar energy deployment in Virginia. Preference in using these funds shall be given in deployment to solar energy projects in Southwest Virginia within Planning Districts 1, 2, 3 and 4."

#### **Explanation:**

(This amendment provides \$1.0 million in each year from the general fund to support solar energy deployment in Virginia. Preference in using these funds will be given to projects in Southwest Virginia.)

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### **Amendment 11: Reversion of Chamberlin Hotel property to the Commonwealth**

#### **Item 124**

#### **Commerce and Trade**

Fort Monroe Authority	Language
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#### **Language:**

Page 98, strike lines 26 through 29.

#### **Explanation:**

(This amendment eliminates problematic language related to the economic development conveyance the Governor's Office has been negotiating with the Army for the past several months.)

## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 12: Modify match requirements for grants for site remediation efforts**

#### **Item 125**

##### **Commerce and Trade**

Virginia Economic Development Partnership

Language

##### **Language:**

Page 99, line 51, after "Economic" strike "Development" and insert "Redevelopment".

Page 100, Line 5, after "grants.", insert "Notwithstanding any provisions of § 10.1-1237, Code of Virginia, the guidelines shall include a requirement for a 25 percent match by the recipient of any grant made by or from the Fund for site remediation."

##### **Explanation:**

(This amendment modifies language to provide that the program guidelines will require a 25 percent match by any recipient of a grant for remediation. Any grant that is specified for site assessment and/or other non-remediation activities will still require a one-to-one match by the recipient. This amendment makes a technical change to correct the name of the Fund.)

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### **Amendment 13: Remove Virginia Virtual School funding and positions**

#### **Item 137**

##### **Education**

Department of Education, Central Office  
Operations

**FY 16-17**

\$0

0.00

**FY 17-18**

(\$275,000) GF

(4.00) FTE

##### **Language:**

Page 108, line 46, strike "\$19,230,311" and insert "\$18,955,311".

Page 110, strike lines 4 through 6.

Page 110, line 9, strike "154.00" and insert "150.00".

Page 110, line 11, strike "332.50" and insert "328.50".

##### **Explanation:**

(This amendment removes funding and positions provided for the start up of the Virginia Virtual School in FY 2018, as the legislation authorizing the creation of this program is not expected to be enacted into law.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 14: Remove Virginia Virtual School language**

#### **Item 139**

##### **Education**

Direct Aid to Public Education

Language

##### **Language:**

Page 150, strike lines 22 through 32.

Page 150, line 33, strike "39" and insert "38".

##### **Explanation:**

(This amendment removes language directing the transfer of direct aid payments to the Virginia Virtual School beginning in FY 2019. The language is contingent upon passage of House Bill 8, which is not expected to be enacted into law.)

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### **Amendment 15: Remove technology review language**

#### **Item 139**

##### **Education**

Direct Aid to Public Education

Language

##### **Language:**

Page 137, strike lines 51 through 55.

Page 138, strike lines 1 through 8.

##### **Explanation:**

(This amendment removes a paragraph that includes language directing the Department of Education to create a workgroup to review the Department's Virginia Digital Textbook Marketplace contract and guidelines for the implementation of the pilot projects established in eight school divisions in the 2015-2016 school year and review the effectiveness of the pilots at the end of the year for improving academic success. The technology associated with these pilot projects was not implemented fully enough in the 2015-2016 school year for adequate evaluation, and it will take more operational time and school division participation before the effectiveness of the pilot projects can be evaluated. The paragraph also has the workgroup review other educational technology and repurposing of educational technology grants which the Department of Education is either already implementing or has already studied. In addition, other workgroup study requirements in this language can be addressed by another paragraph placed under the Department of Education to holistically review the statewide use of technology in the classroom and all sources of digital content development and online learning.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 16: Establish cybersecurity scholarship for public service grant program**

#### **Item 144**

<b>Education</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
State Council of Higher Education for Virginia	\$500,000	\$500,000 GF

#### **Language:**

Page 152, line 40, strike "\$75,787,665" and insert "\$76,287,665".

Page 152, line 40, strike "\$104,386,328" and insert "\$104,886,328".

Page 155, after line 41, insert:

"J. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for cybersecurity public service scholarships. This award requires a state government employment commitment in the Commonwealth by the recipient equal to the number of years the scholarship is awarded. The State Council of Higher Education for Virginia shall develop eligibility criteria for this program, as well as establish the award amounts."

#### **Explanation:**

(This amendment creates a new scholarship program under the State Council of Higher Education for Virginia to encourage individuals pursuing cybersecurity degrees to work for Virginia state government upon graduation. Given the higher wages typically available in the private sector, it is difficult for state government to attract talented cybersecurity individuals to help Virginia ensure it can protect its automated systems and sensitive information from attack or infiltration. The proposed scholarship program would require state government service for every year that scholarship funding is provided. This program mimics a successful program presently utilized by the federal government to attract cybersecurity talent.)

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### **Amendment 17: Provide cybersecurity education in community colleges**

#### **Item 213**

<b>Education: Higher Education</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Virginia Community College System	\$280,000	\$152,000 GF
	1.00	1.00 FTE

#### **Language:**

Page 190, line 2, strike "\$950,020,743" and insert "\$950,300,743".

Page 190, line 2, strike "\$952,912,981" and insert "\$953,064,981".

Page 195, line 7, strike the first "5,558.57" and insert "5,559.57".

Page 195, line 7, strike the second "5,558.57" and insert "5,559.57".

Page 195, line 9, strike the first "11,353.15" and insert "11,354.15".

Page 195, line 9, strike the second "11,353.15" and insert "11,354.15".

#### **Explanation:**

(This amendment adds funding to formally establish a cybersecurity program director for the Virginia Community College System and to develop appropriate curriculum to help all of Virginia's community colleges to offer coursework in cybersecurity.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 18: Dedicate portion of 2019 Commemoration funding**

#### **Item 238**

##### **Education**

Jamestown-Yorktown Commemorations

Language

##### **Language:**

Page 205, after line 15, insert:

“Out of the general fund appropriation for this item, \$2,000,000 the second year shall be used to establish, in conjunction with the State Council of Higher Education for Virginia, a higher education and credentialing scholarship fund, to be known as the “Maggie L. Walker Scholarship Fund”, to provide grants to underrepresented minorities and women who are both residents of Virginia and student leaders who work to improve their local and global communities. The purpose of these scholarships is to increase access and diversity at public institutions of higher education in Virginia.”

##### **Explanation:**

(This amendment directs a portion of the funding provided for the 2019 Commemoration to create a higher education/credentialing scholarship program for underrepresented minority students. These scholarships will support awareness of the contributions of minorities and women, like Maggie L. Walker, to Virginia’s history and will complement the activities surrounding the 2019 Commemoration.)

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### **Amendment 19: Limit prohibition on Medicaid expansion**

#### **Item 306**

##### **Health and Human Resources**

Department of Medical Assistance Services

Language

##### **Language:**

Page 277, line 40, after “in” insert “the first year of”.

Page 277, line 42, after “expended” insert “in the first year”.

##### **Explanation:**

(This amendment limits the prohibition on actions to expand the Medicaid Program pursuant to the Patient Protection and Affordable Care Act to the first year of the biennium only so that a full and impartial discussion can take place at the 2017 legislative session on the merits and business case for expanding the Medicaid program in Virginia during the second year of the biennium in light of another year of factual data on the results of actions to expand the program in other states and in light of additional information on the outcomes of recent actions to reform the program in Virginia.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 20: Allow limited consumer directed overtime in FY 2017**

#### **Item 306**

<b>Health and Human Resources</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Department of Medical Assistance Services	\$8,385,666	\$0 GF
	\$8,385,666	\$0 NGF

#### **Language:**

Page 261, line 1, strike "\$9,124,454,594" and insert "\$9,141,225,926".

Page 286, strike lines 39 through 45.

Page 286, after line 38, insert:

"PPPP. The Department of Medical Assistance Services shall amend the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to provide wage protections for attendants through Medicaid-reimbursed consumer-directed (CD) personal assistance, respite and companion services. The Department shall authorize time and a half for up to 56 hours per week for a single attendant who works more than 40 hours per week in the first year. The Department shall have authority to implement this and any additional necessary changes effective July 1, 2016, in order to conform state regulations to allay any fiscal impact associated with the October 1, 2013 changes to 29 CFR Part 552. The Department shall implement these necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate state plan and/or waiver changes, and prior to the completion of any regulatory process undertaken in order to effect such change.".

#### **Explanation:**

(This amendment provides funding and authority for the Department of Medical Assistance Services (DMAS) to allow, up to 16 hours, overtime for attendants who are providing care under the consumer-directed service option in the Medicaid waivers in FY 2017.)

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### **Amendment 21: Modify Delivery System Reform Incentive Program (DSRIP) language**

#### **Item 306**

#### **Health and Human Resources**

Department of Medical Assistance Services	Language
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#### **Language:**

Page 287, line 2, strike "General Assembly appropriates the funding in the 2017 Session. The".

Page 287, line 3, strike "shall notify" and insert "notifies".

Page 287, line 5, after "Services" insert "and identifies how much funding will be spent".

#### **Explanation:**

(This amendment replaces a restriction on expending appropriation for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver with a notification requirement.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 22: Allow Conservation and Recreation to acquire state park land**

#### **Item 365**

##### **Natural Resources**

Department of Conservation and Recreation

Language

##### **Language:**

Page 335, line 4, after "use as a" insert "new"

Page 335, line 5, after "Assembly." insert:

"However, the Department is authorized to acquire in-holdings or lands contiguous to an existing State Park as authorized by the Code of Virginia, by gift, transfer or purchase with nongeneral funds provided that the Department certifies in writing to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees that such acquisition will not cause the Department to incur additional operating expenses."

##### **Explanation:**

(This amendment allows the Department to acquire lands that are in-holdings or contiguous to existing state parks, as long as the acquisition will not require additional operating expenses.)

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### **Amendment 23: Allow development or preparation of the Clean Power Plan**

#### **Item 369**

##### **Natural Resources**

Department of Environmental Quality

Language

##### **Language:**

Page 337, Line 27, after "used to" strike "prepare or".

##### **Explanation:**

(This amendment removes restrictive language for the use of state funds for the preparation or development of the Clean Power Plan. Submission of such plan to the United States Environmental Protection Agency will not be authorized until the stay issued by the United States Supreme Court is released.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 24: Remove obsolete language**

#### **Item 370**

##### **Natural Resources**

Department of Environmental Quality

Language

##### **Language:**

Page 338, strike lines 35 through 45.

Page 338, Line 46, strike "F." and insert "E."

Page 338, Line 49, strike "G." and insert "F."

Page 338, Line 55, strike "H." and insert "G."

Page 339, Line 4, strike "I." and insert "H."

Page 339, Line 7, strike "J.1." and insert "I.1."

##### **Explanation:**

(This amendment removes obsolete language referencing bond authorization in the Introduced Budget Bill. The bond authorization was removed from the budget bill and provided in separate legislation, therefore, the language is no longer relevant.)

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### **Amendment 25: Modify conflicting Rail and Public Transportation study language**

#### **Item 448**

##### **Transportation**

Department of Rail and Public Transportation

Language

##### **Language:**

Page 402, strike lines 18 through 24 and insert:

“2. Any prioritization process should be based on an objective and quantifiable analysis. For transit capital projects that establish new transit service or expand existing service, the prioritization process should consider, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use. For state of good repair projects, the prioritization process should consider asset condition and other factors determined to be appropriate by the Department. Such a process for the allocation and distribution of funding would be in addition to the tiered approach established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues and is intended to foster project-specific prioritization within the asset tiers.”

##### **Explanation:**

(This amendment modifies budget study language under the Department of Rail and Public Transportation to ensure there is no conflict with House Bill 1359, 2016 General Assembly Session, which is expected to be enacted into law. This is a request of the patron of House Bill 1359.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 26: Adjust language related to Ports debt service cap**

#### **Item 463**

##### **Transportation**

Virginia Port Authority

Language

##### **Language:**

Page 415, line 31, after "year", insert ", unless approved by the Governor upon execution of the capital lease authorized by Item C-40.10 of Chapter 665, 2015 Acts of Assembly. Such approval shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees within five days of the Governor's action."

##### **Explanation:**

(This amendment adds language allowing the Governor to approve the Port Authority to exceed the \$45 million debt service cap if the capital lease with the Virginia International Gateway (VIG) Terminal in Portsmouth, Virginia, is executed. The budget has existing language limiting the total amount of debt service paid by the Port Authority to \$45 million annually. It is anticipated that the new lease agreement related to the VIG Terminal will result in the agency surpassing the \$45 million cap. Chapter 665, 2015 Acts of Assembly, allows the Port Authority to enter into a new lease agreement related to the VIG Terminal.)

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### **Amendment 27: Workers' Compensation Capital Authorization**

#### **Item 2-0**

##### **Capital General Conditions**

Capital General Conditions

Language

##### **Language:**

Page 450, line 31, strike "to construct", and insert ",construction, or leasing under a capital lease of".

Page 450, line 32, strike "Chapter 806, 2013 Session Acts of Assembly" and insert "Chapter 1, 2014 Special Session 1".

##### **Explanation:**

(This amendment corrects the chapter reference, which provided additional appropriation for the capital project and authorized the Department of General Services, with the cooperation and support of the Workers' Compensation Commission, to enter into a capital lease for the Commission's new headquarters.)

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## ***2016 Reconvened Session Executive Amendments (HB 30)***

### **Amendment 28: Increase maintenance reserve funding for Department of Juvenile Justice**

#### **Item C-44**

<b>Central Appropriations</b>	<b>FY 16-17</b>	<b>FY 17-18</b>
Central Capital Outlay	\$3,000,000	\$0 NGF

#### **Language:**

Page 457, line 9, strike "\$94,400,000" and insert "\$97,400,000".

Page 457, line 12, strike "\$84,400,000" and insert "\$87,400,000".

Page 458, line 37, strike "\$947,902" and insert "\$3,947,902".

Page 459, line 3, strike "\$94,400,000" and insert "\$97,400,000".

#### **Explanation:**

(This amendment provides \$3 million in additional Virginia Public Building Authority debt to address the Department of Juvenile Justice capital needs while planning for new facilities.)

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### **Amendment 29: Remove Language Related to Deposit of Local Fines and Fees**

#### **Item 3-6.05**

#### **Adjustments and Modifications to Fees**

Deposit of Fines and Fees	Language
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#### **Language:**

Page 474, strike lines 38 through 49

Page 475, strike line 1

#### **Explanation:**

(This amendment removes language concerning deposit of local fines and fees.)

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### **Amendment 30: Restrictive language concerning women's reproductive health services**

#### **Item 4-5.04**

#### **Special Conditions and Restrictions on Expenditures**

Goods and Services	Language
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#### **Language:**

Page 504, strike lines 13 and 14.

#### **Explanation:**

(This amendment removes language regarding restrictions on the use of state appropriations for abortion services.)